

Tippecanoe County Drainage Board

October 2, 2013

J.K. O'Neal Regulated Drain #59

HEARING Minutes

Those present were:

Tippecanoe County Drainage Board President Thomas Murtaugh, , member John Knochel, County Surveyor Zachariah Beasley, Drainage Board Attorney Dave Luhman, Drainage Board Secretary Brenda Garrison and Drainage Board Engineering Consultant Dave Eichelberger from Christopher B. Burke Engineering LLC. Vice President David Byers was absent.

The President opened the Hearing and referred to the Surveyor for his J.K. O'Neal #59 Regulated Drain Maintenance Report. The Surveyor read his report to the Board as follows: Maintenance Report of the J.K. O'Neal Regulated Drain #59 for the Tippecanoe County Drainage Board and dated August 14, 2013: The J. Kelly O'Neal Drain was originally established by the Tippecanoe County Superior Court in 1893. The drain and its watershed are located in Sections 19, 20, 21, 28, 29, 30, 32, 33 and 34 of Township 22 North and Range 4 West in the political Township of Wea and Sections 4 and 5 of Township 21 North and Range 4 West in the political Township of Randolph, Tippecanoe County, Indiana. The J. Kelly O'Neal Drain Maintenance fund was established by the Tippecanoe County Drainage Board on January 4, 1978. The fund is currently \$4,017.95 in the red. There are approximately 13,230 lineal feet of open ditch, consisting of three branches beginning at the outlet into the Little Wea Creek and proceeding upstream to a point east of CR S 100 E, which are to be maintained by this maintenance fund. The watershed contains 2484.34 acres. It is the judgment of the Tippecanoe County Surveyor that a sum of \$78,855.66 is needed to maintain and improve the existing open ditch system. An assessment of \$4.00 per acre and a \$20.00 minimum over an 8 year period is recommended. This will generate \$83,926.19 over an 8 year period. It is the opinion of the Tippecanoe County Surveyor this rate increase will ensure that monies will be generated for future maintenance on this system. Respectfully submitted by Zach Beasley, P.L.S., M. S. Tippecanoe County Surveyor. Tom Murtaugh asked for Public Comment. There was no public comment.

The Attorney then read the Findings and Order into the record. BEFORE THE TIPPECANOE COUNTY DRAINAGE BOARD IN THE MATTER OF THE J.K. O'NEAL #59 REGULATED DRAIN: FINDINGS AND ORDER (ANNUAL MAINTENANCE) This matter came to be heard upon the maintenance report and schedule of assessments prepared by the Tippecanoe County Surveyor and filed on August 14, 2013. The Certificate of Mailing of notice of time and place of hearing, to all affected landowners was filed. Notice of publication of time and place of hearing in the Journal and Courier, Lafayette Indiana were filed. Remonstrances were filed as stated below. Wagner Farms LLC/Steve Wagner /9533 S. 100 East /Lafayette Indiana /47909 Blankenship, Brandon T. & Heather M. /7900 S 200E /Lafayette In. 47909 Evidence was presented by the Tippecanoe County Surveyor. (A list of landowners present is filed herewith) After consideration of all the evidence, the Board does now FIND THAT:

- (1) The maintenance report of the Tippecanoe County Surveyor and schedule of assessments were filed in the office of the Surveyor on August 14, 2013.
- (2) Notice of filing of the maintenance report and the schedule of assessments and their availability for inspection and the time and place of this hearing was mailed to all those landowners affected more than thirty (30) and less than forty (40) days before the date of this hearing.
- (3) Notice of the time and place of this hearing was given by publication in the Journal & Courier newspaper of general circulation in Tippecanoe County, Indiana more than ten (10) days prior to this hearing.
- (4) The legal drain consists of 13,230 lineal feet of open ditch, consisting of three branches beginning at the outlet into the Little Wea Creek and proceeding upstream to a point east of CR South 100 East, to be maintained by this maintenance fund.
- (5) The present condition of the ditch is in need of debrushing and spraying
- (6) The ditch needs the following maintenance at present: Clearing and Spraying
- (7) There is now \$4,017.95 owed to the General Drain Fund for past maintenance on this ditch.
- (8) The ditch drains 2483.34 acres total.
- (9) Estimated annual cost of maintenance is \$10,598.19.
- (10) Estimated annual benefits the land drained exceeds repair and maintenance costs.
- (11) The fund for annual maintenance should be increased.
- (12) In order to provide the necessary maintenance fund, the annual assessment per acre and lot benefited should be: \$4.00 per acre with a \$20.00 minimum to be collected over an 8 year period.

- (13) The assessment list filed herewith should be amended as follows: The inclusion of David and Linda Swank Pt NE Sec 4 TWP 21 R4 55 acre tract with 26.85 acres benefitted
(14) The assessment list filed herewith as amended above is fair and equitable and should be adopted.
(15) The assessment should be collected with the May 2014 taxes.

NOW, THEREFORE, IT IS ORDERED THAT:

- (1) A maintenance fund be increased for the J.K. O'Neal #59 Regulated Drain at the annual rate of \$4.00 per acre and \$20.00 minimum benefitted for an 8 year collection period.
(2) The Amended Schedule of Assessments filed herewith are adopted and made a part thereof.
(3) The first annual assessment shall be collected with the May 2014 taxes. Dated at Lafayette, Indiana this 2nd day of October, 2013. Tippecanoe County Drainage Board.

John Knochel made a motion to accept the J.K. O'Neal Regulated Drain #59 Maintenance Increase Findings and Order as read by the Attorney. Tom Murtaugh seconded the motion. The J.K. O'Neal Regulated Drain #59 Maintenance Increase to \$4.00 per acre with a \$20.00 minimum was approved as presented to the Board.

There was no public comment. John Knochel made a motion to adjourn. The Hearing was adjourned.

Thomas P. Murtaugh, President

ABSENT

David S. Byers, Vice President

Brenda Garrison, Secretary

John Knochel, Member